



**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:)	
)	
STAR L. LE,)	
)	
Complainant,)	
)	
and)	Charge No.: 1999CN2726
)	EEOC No.: N/A
)	ALS No.: 11198
PAUL C., INC. and)	
PAUL CHRISTENSEN,)	
)	
Respondents.)	

RECOMMENDED ORDER AND DECISION

On February 25, 2000, the Illinois Department of Human Rights filed a complaint on behalf of Complainant, Star L. Le. That complaint alleged that Respondents, Paul C., Inc. and Paul Christensen, sexually harassed and constructively dismissed Complainant.

This matter now comes on to be heard on my own motion, *sua sponte*, to dismiss the case. Neither party has appeared at the last several status hearings. Moreover, when the parties last contacted the Commission's offices, they reported that settlement of this matter was imminent.

FINDINGS OF FACT

The following findings are based upon the record file in this matter.

1. When the parties last contacted the Human Rights Commission, they reported by telephone that the settlement of this matter was imminent. Despite that report, no motion for voluntary dismissal has been filed.

2. On October 30, 2003, an order was entered which set a status hearing in this matter for December 2, 2003. The order specifically warned that failure to appear could result in default or dismissal with prejudice. That order was served upon both parties.

3. Neither party appeared at the December 2 status hearing. Administrative Law Judge David J. Brent entered an order setting a new status date of January 22, 2004. That order was served upon both parties.

4. Neither party appeared for the January 22 status hearing. No motion has been filed by either party to explain the failure to appear.

CONCLUSIONS OF LAW

1. Complainant's failure to prosecute this matter has unreasonably delayed these proceedings.

2. This matter should be dismissed with prejudice because of Complainant's inaction.

DISCUSSION

Complainant has failed to appear for several consecutive status hearings, despite repeated written orders to appear. She has been warned that failure to appear might result in dismissal with prejudice. Her inaction has unreasonably delayed the proceedings in this matter.

It is possible that the parties have indeed settled this matter. However, there has been no motion for voluntary dismissal filed. In essence, Complainant has simply abandoned her claim. As a result, it is appropriate to dismiss her claim with prejudice. See ***Leonard and Solid Matter, Inc.***, ___ Ill. HRC Rep. ___, (1989CN3091, August 25, 1992).

RECOMMENDATION

Based upon the foregoing, it appears that Complainant has abandoned her claim. Accordingly, it is recommended that the complaint in this matter be dismissed with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____
MICHAEL J. EVANS
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: February 4, 2004